UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,478	11/20/2003	Ram Pandit	12607	6866

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Georgia-Pacific LLC
133 Peachtree Street NE - GA030-41
ATLANTA, GA 30303

EXAMINER
LOFTIS, JOHNNA RONEE

ART UNIT	PAPER NUMBER
3624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/716,478	PANDIT, RAM
	Examiner	**Art Unit**	
	JOHNNA R. LOFTIS	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*30 June 2009*</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-30* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>*6/30/09*</u>.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   The following is a non-final office action upon examination of application number

10716478. Claims 1-30 are pending and have been examined on the merits discussed below.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 12 and 21 rejected under 35 USC 103

have been considered but are moot in view of the new ground(s) of rejection.

3.   Applicant's arguments, with respect to previous rejections under 35 USC 101 have been

fully considered and are persuasive. The rejections of claims 1-10 under 35 USC 101 has been

withdrawn.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strozniak,

"Sharing the Load", in view of Min, "A Personal-Computer Assisted Decision Support System

for Private Versus Common Carrier Selection."

        As per claim 1, Strozniak teaches analyzing load data (page 5 - General Mills considers

the cost effectiveness of transporting Georgia-Pacific products instead of returning an empty

truck, while Georgia-Pacific is considering the cost effectiveness of using the General Mills

truck instead of the more expensive option of sending their own (dedicated) truck for transport),

the load data having a plurality of load data, wherein the load data has an origination location

and a destination location (page4, para3 – loads are analyzed to create shared routes between

manufacturers); automatically creating the tour schematic based on analysis of the load data

(page4, para3 – automated system wherein loads are analyzed to create shared routes between

manufacturers); and validating the created tour schematic (page8, top – routes are created based

on business rules). Strozniak fails to explicitly teach analyzing *past* load history based on

dedicated and common carrier rates.

Min teaches analyzation of historic data associated with load transport as a way to choose

between common and private carriers. (table 1, pages 229, 235 and 236). In addition, Min also

teaches the use of historic data to perform the carrier selection (page 234, methods such as

exponential smoothing are used to evaluate data. It would have been obvious to one of ordinary

skill in the art at the time of the invention to include in the system of Strozniak the ability to

analyze past load history based on dedicated and common carrier rates as taught by Min since the

claimed invention is merely a combination of old elements and in the combination each element

merely would have performed the same function as it did separately, and one of ordinary skill in

the art would have recognized that the results of the combination were predictable.

As per claim 2, Strozniak teaches analyzing past load history further comprises setting

the first accent point at a cluster of origination or destination locations (page7para3 – locations

are set based on load availability, ie, loads are being shipped from Dallas to Atlanta – the route

back to Dallas includes a stop in Memphis due to load requiring transport from Atlanta and load

requiring transport from Memphis to Dallas). Strozniak fails to explicitly teach analyzing *past* load history.

Min teaches analyzation of historic data associated with load transport as a way to choose between common and private carriers. (table 1, pages 229, 235 and 236). In addition, Min also teaches the use of historic data to perform the carrier selection (page 234, methods such as exponential smoothing are used to evaluate data. It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the system of Strozniak the ability to analyze past load history based on dedicated and common carrier rates as taught by Min since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 3, Strozniak teaches the first accent point is set (page7para3 – locations are set based on load availability, ie, loads are being shipped from Dallas to Atlanta – the route back to Dallas includes a stop in Memphis due to load requiring transport from Atlanta and load requiring transport from Memphis to Dallas) but does not explicitly teach the cluster of origination or destinations exceeds a threshold value. Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to consider threshold values when setting accent points to keep scheduled tours within limits. If a tour is scheduled between Dallas and Atlanta, it would be costly and time consuming to schedule a second lane to Pittsburgh then continuing on the Dallas. Pittsburgh would be "out of the way", so to speak. The threshold values would keep the costs down and would optimize deliveries.

As per claim 4, Strozniak teaches analyzing load further comprises establishing the first lane from the first accent point to the second accent point if the load indicates a number of load data from within the first accent point to within the second accent point (page7para3 – locations are set based on load availability, ie, loads are being shipped from Dallas to Atlanta – the route back to Dallas includes a stop in Memphis due to load requiring transport from Atlanta and load requiring transport from Memphis to Dallas) but does not explicitly teach exceeding a threshold value. Official notice is taken that it would have been obvious to one of ordinary skill in the art at the time of the invention to consider threshold values when setting accent points to keep scheduled tours within limits. If a tour is scheduled between Dallas and Atlanta, it would be costly and time consuming to schedule a second lane to Pittsburgh then continuing on the Dallas. Pittsburgh would be "out of the way", so to speak. The threshold values would keep the costs down and would optimize deliveries. Strozniak fails to explicitly teach analyzing *past* load history.

Min teaches analyzation of historic data associated with load transport as a way to choose between common and private carriers. (table 1, pages 229, 235 and 236). In addition, Min also teaches the use of historic data to perform the carrier selection (page 234, methods such as exponential smoothing are used to evaluate data. It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the system of Strozniak the ability to analyze past load history based on dedicated and common carrier rates as taught by Min since the claimed invention is merely a combination of old elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 5, Strozniak teaches creating the tour schematic further comprises linking the first lane with a second lane, wherein the second accent point of the first lane is the same as the first accent point of the second lane (page7para3 – locations are set based on load availability, ie, loads are being shipped from Dallas to Atlanta – the route back to Dallas includes a stop in Memphis due to load requiring transport from Atlanta and load requiring transport from Memphis to Dallas)

As per claim 6, Strozniak teaches creating the tour schematic further comprises linking the second land with a third lane, wherein a second accent point of the second lane is the same as the first accent point of the third lane, and further wherein a second accent point of the third lane is the same as the first accent point of the first lane (page7para3 – locations are set based on load availability, ie, loads are being shipped from Dallas to Atlanta – the route back to Dallas includes a stop in Memphis due to load requiring transport from Atlanta and load requiring transport from Memphis to Dallas)

As per claim 7, Strozniak teaches validating the created schematic further comprises validating that the created schematic meets a set of business rules (page7, para4 - page8, para1 – logistics are automated based on company rules).

As per claim 8, Strozniak teaches logistics are automated based on company rules (page7, para4 - page8, para1), but does not explicitly teach the set of business rules includes at least one of a maximum length without driver break, a maximum total miles within the schematic and a minimum total miles within the schematic. Official notice is taken that it would have been obvious to one of ordinary skill in the art to consider business rules such as maximum and minimum length when setting accent points to keep scheduled tours within limits. If a tour is

scheduled between Dallas and Atlanta, it would be costly and time consuming to schedule a second lane to Pittsburgh then continuing on the Dallas. Pittsburgh would be "out of the way", so to speak. The threshold values would keep the costs down and would optimize deliveries.

As per claim 9, Strozniak teaches logistics are automated based on company rules (page7, para4 - page8, para1), but does not explicitly teach the set of business rules includes at least one of a maximum length without driver break, a maximum total miles within the schematic and a minimum total miles within the schematic. Official notice is taken that it would have been obvious to one of ordinary skill in the art to consider business rules such as maximum and minimum length when setting accent points to keep scheduled tours within limits. If a tour is scheduled between Dallas and Atlanta, it would be costly and time consuming to schedule a second lane to Pittsburgh then continuing on the Dallas. Pittsburgh would be "out of the way", so to speak. The threshold values would keep the costs down and would optimize deliveries.

As per claim 10, Strozniak teaches logistics are automated based on company rules (page7, para4 - page8, para1), but does not explicitly teach the set of business rules includes at least one of a maximum length without driver break, a maximum total miles within the schematic and a minimum total miles within the schematic. Official notice is taken that it would have been obvious to one of ordinary skill in the art to consider business rules such as maximum and minimum length when setting accent points to keep scheduled tours within limits. If a tour is scheduled between Dallas and Atlanta, it would be costly and time consuming to schedule a second lane to Pittsburgh then continuing on the Dallas. Pittsburgh would be "out of the way", so to speak. The threshold values would keep the costs down and would optimize deliveries..

Claims 11-20 are directed to the system for performing the method of claims 1-10. Since Strozniak teaches a collaborative logistics system running over the Internet (page 4), the same rejections as applied to claims 1-10 are applied to claims 11-20.

Claims 21-30 are directed to the article of manufacture with instructions for performing the method of claims 1-10. Since Strozniak teaches a collaborative logistics system running over the Internet (page 4), the same rejections as applied to claims 1-10 are applied to claims 11-30.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thompson, Paul M. and Psaraftis, Harilaos N. "Cyclic Transfer Algorithms for Multivehicle Routing and Scheduling Problems." Operations Research. Vol 41, No. 5, Sept-Oct 1993

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNA R. LOFTIS whose telephone number is (571)272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Johnna R Loftis/
Examiner, Art Unit 3624